IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1216 OF 2005
IN
APPEAL FROM ORDER NO.433 OF 2005
IN
NOTICE OF MOTION NO. OF 2005
IN
L.C.SUIT NO.1249 OF 2005

Chatrubhuj Shivbhajan Shukla Applicant

versus

Municipal Corpn. of Greater Bombay and another Respondents

Mr.A.M.Saraogi for applicant.

Mr.A.J.Bhor for BMC..

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th November 2005

PC :

1. Heard Mr.Saraogi for applicant in support and Mr.Bhor for the MCGB..

2. The Civil Application is taken out by the appellant who had specifically undertaken before this Court that he does not intend to prosecute the substantive proceedings but would be happy if his application for regularisation of the suit structure is considered and disposed of in

accordance with law.

3. The grievance made by Mr.Bhor is that not only an application for regularisation pursuant to the order passed by this Court on 6th May 2005 has been made to a wrong authority but the said application has not been pursued all this time. Mr.Bhor also points out that the authority who is empowered to decide such application, is the Executive Engineer, Building Proposals (City), "E" Ward, Byculla, Mumbai. Learned counsel further states that the applicant was informed by the MCGB vide communication dated 27th June 2005 that his letter/representation ought to be addressed to this authority and not to the Assistant Engineer.

4. In these circumstances Mr.Saraogi seeks a last opportunity and prays that the applicant would now pursue the matter before Executive Engineer, Building Proposals. Mr.Saraogi undertakes that an application for regularisation of the suit structure will be filed before this authority within a period of one week from today. This undertaking is given by Mr.Saraogi on instructions from the applicant, who is personally present in the Court. If an

application for regularisation is made within the period aforestated, the Executive Engineer shall consider the same and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt thereof. Needless to state that if the application is not filed within the period aforesaid, the MCGB shall be free to proceed in accordance with law. Civil Application disposed of.

5. It is further needless to observe that if an application is filed within the period aforestated and is being considered by the Executive Engineer, the MCGB shall not proceed to demolish the structure.

(S.C.DHARMADHIKARI, J.)